

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF
1668 Kenmore Rd. Columbus, OH 43219

Case No. 2:23-mj-293

Filed Under Seal

AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT

I, Cole Benner, being first duly sworn, hereby depose and state as follows:

I. INTRODUCTION AND BACKGROUND

1. I make this affidavit in support of an application for a search warrant under Federal Rule of Criminal Procedure 41 to authorize law enforcement to search the premises known as 1668 Kenmore Rd. Columbus, OH 43219 (“**SUBJECT PREMISES**”), further described in Attachment A, for the items described in Attachment B.

2. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearm and Explosives (“ATF”), and have been since March of 2020. I am currently assigned to the Columbus, Ohio Field Office as a member of the Crime Gun Enforcement Team (“CGET”) Task Force. As part of my duties as an ATF Special Agent, I investigate criminal violations relating to federal firearms offenses, including the unlawful possession of firearms and ammunition by individuals who have been convicted in any court, of a crime punishable by imprisonment for a term exceeding one year. I have participated in numerous investigations of criminal violations relating to illegal firearms possession, firearms trafficking and shooting investigations. I am familiar with, and have utilized

multiple investigative methods, including electronic surveillance, visual surveillance, search warrants, and the utilization of GPS/E-911 data.

3. Pursuant to 18 U.S.C. § 3051, I am empowered to enforce criminal laws of the United States. As result of my training and experience, I am familiar with federal laws including 18 U.S.C. § 922(g)(1), which states: “It shall be unlawful for any person who has been convicted in any court of, a crime punishable by imprisonment for a term exceeding one year, to ship or transport in interstate or foreign commerce, or possess in or affecting commerce, any firearm or ammunition; or to receive any firearm or ammunition which has been shipped or transported in interstate or foreign commerce” and Title 21, United States Code, Section 841 makes it a Federal crime for any person to manufacture, distribute, or dispense, or possess with intent to manufacture, distribute or dispense a controlled substance.

4. I know based on my training and experience that individuals who possess firearm and ammunition often possess other items commonly used or acquired in connection with the possession of firearms and ammunition. Some of these items include, but are not limited to, other firearms, firearm parts, additional ammunition, firearm receipts, firearms brochures or owner’s manuals, records of sale or acquisition of firearms, firearms magazines, and holsters.

5. I know based on my training and experience that individuals who possess firearms and ammunition as felons or otherwise, often store those firearms and ammunition in their homes or cars, so that the firearms and ammunition are easily accessible. I also know that firearms are durable and non-perishable goods, which can be expected to remain in the individual’s possession for extended periods of time.

6. I know based on my training and experience that individuals who possess firearms and ammunition frequently utilize cell phones to take photographs and videos of themselves in

possession of firearms and ammunition. These same individuals also utilize cellphones, to include calls, texts, and social media applications, to arrange the purchase and sale of firearms, ammunition, and/or accessories.

7. I also know based on my training and experience that “cell phones and the services they provide are ‘such a pervasive and insistent part of daily life’ that carrying one is indispensable to participation in modern society.” *Carpenter v. United States*, 138 S. Ct. 2206, 2220 (citing *Riley v. California*, 573 U. S., at ___, 134 S. Ct. 2473, 2484 (2014)).

8. The facts in this affidavit come from my personal observations, my training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all my knowledge about this matter.

9. Based on the facts set forth in this affidavit, there is probable cause to believe that on or about April 16, 2023, Marshall HALL (Black Male, DOB: 07/01/19XX), a convicted felon, did knowingly and intentionally possess a firearm and ammunition which traveled in and affected interstate commerce, in violation 18 U.S.C. § 922(g)(1). Furthermore, there is also probable cause to search the **SUBJECT PREMISES**, located at 1668 Kenmore Rd. Columbus, Ohio 43219 for evidence, instrumentalities, or fruits of these crimes as further described in Attachment

II. PROBABLE CAUSE

10. According to a database of criminal records and the Anne Arundel Maryland Clerk of Court Website, HALL has been convicted of the following felonies: Felony Theft (case number: 02-K-04-001997) and Felony Possess With intent to Distribute Narcotics (case number: 02-K-10-000782). In this case HALL was sentenced to a term of imprisonment of two (2) years.

11. On or about May 1, 2023, I reviewed NIBIN Lead No. 773-22-000737. This NIBIN lead indicated that the following incidents were linked by 45-caliber shell casings recovered from each incident, which based on NIBIN analysis are believed to be from the same 45-caliber pistol.

A. NIBIN Lead

12. The first shooting incident occurred on March 9, 2021. Officers were dispatched to 812 Manning Ave. Columbus, OH 43205. Officers were dispatched to a ShotSpotter notification. While enroute, Officers were informed that a residence was struck by gunfire. Officers located spent 45 caliber shell casings in the roadway on Rhoads Ave. The 45-caliber firearm in question was not recovered.

13. The second incident occurred on October 21, 2021. Officers were dispatched to a shots fired incident at 1711 Lockbourne Rd. Columbus, OH 43207. A witness stated they did not see the shooter and could not provide a description. Officers located four (4) spent 45-caliber shell casings and two (2) bullet fragments. The 45-caliber firearm in question was not recovered.

14. The third incident occurred on January 27, 2023. Officers were dispatched to a shots fired incident at the intersection of Laurelwood Ct. and Laurelwood Dr. Columbus, OH 43229. 45-caliber shell casings were recovered, in the street, by Officers. The 45-caliber firearm in question was not recovered.

15. The fourth and final incident occurred on April 16, 2023. Officers were dispatched to the area of 2344 Cleveland Ave. OH 43211 on a shot spotter call. Initial responding Officers were unable to locate a scene or victim. The following day, April 17, 2023, Officers conducted a follow up investigation. Officers were approached by a victim in this shooting.

16. The victim stated she recently kicked out her roommate, Marshall HALL. The victim stated she was driving, and HALL followed her to her residence. The victim stated HALL was driving the vehicle and a female, Miangel BENNETT (B/F DOB: 5/5/20XX was in the passenger seat. The victim stated she heard two (2) gunshots while turning down the alley towards her residence. The victim stated HALL owns a 45-caliber pistol and she has observed HALL with the pistol prior to the incident on April 16, 2023.

17. Officers observed damage to the victim's rear left brake light. Officers retrieved a spent bullet from inside the victim's vehicle. Officers canvassed the area for shell casings and located two (2) 45-caliber shell casings and four (4) 9mm shell casings. The 45-caliber firearm in question was not recovered.

B. Interview of victim

18. On May 1, 2023, Task Force Officer (TFO) Jerry Orick and I conducted an interview of the victim at her residence in Columbus, OH.

19. I showed HALL's Maryland Identification photograph and the victim confirmed that was the Marshall HALL that she is referencing. The victim confirmed that HALL lived in Maryland previously.

20. The victim identified HALL's girlfriend as Miangel BENNETT. The victim stated BENNETT and HALL are living at 1668 Kenmore Rd. Columbus, OH 43219 (SUBJECT PREMISES). The victim stated HALL is driving a Dark Blue Chevrolet Trailblazer. The victim stated the Chevrolet Trailblazer is owned by Jevon MURK (B/M DOB: 12/22/19XX) another individual believed to be residing at the SUBJECT PREMISES with HALL and BENNETT.

21. The victim stated HALL uses Fentanyl and sells drugs. The victim stated HALL stopped paying bills, so she asked him to move out. The victim stated HALL lived with her from approximately October of 2022 to April of 2023.

22. The victim stated, "He saw me in traffic one day and followed me, he didn't know I had the kids in the car at the time, and he shot at me, and it hit the car, and then the officer found the bullet inside behind my sons car seat." The victim was referencing the shooting incident that occurred on April 16, 2023.

23. The victim stated HALL sells a variety of drugs. The victim stated the most drugs she has seen HALL with at one time was approximately 1/4oz of crack cocaine. The victim stated HALL drives the aforementioned Blue Chevrolet Trailblazer to the gas stations and businesses at the intersection of E. Hudson St. and Joyce Ave. The victim stated HALL backs into a parking spot and sells drugs.

24. Regarding a description of the firearm the victim stated, "It's a 45, I don't know, it's all blacked up." The victim stated she believes HALL's firearm is a stolen firearm.

25. The victim stated HALL spoke about committing other shootings. The victim stated her residence was shot into around December of 2022 – January 2023. I observed bullet holes in the victim's kitchen. The victim stated she believed that HALL engaged in a retaliation shooting that occurred on January 27, 2023, in the area of Laurelwood Ct. and Laurelwood Dr. in Columbus, OH documented in CPD report 230066120.

26. The victim stated HALL spoke about being in prison in Maryland. The victim stated she only ever saw HALL with the one firearm as well as ammunition. The victim stated HALL took all his property to his new residence.

27. According to a database of criminal records and the Baltimore County Maryland Clerk of Courts website MURK has been convicted of the following felony: 1st Degree Burglary (case number: 03-K-17-004845). In this case MURK was sentenced to a term of imprisonment of ten (10) years. Seven (7) years of the sentence were suspended.

28. According to a database of criminal records and the Franklin County Clerk of Courts website BENNETT has been convicted of the following felony: F3 Robbery (case number: 22CR000525).

C. **Surveillance**

29. I queried the National Crime Information Center (NCIC) and obtained a photograph of HALL's Maryland State ID.



Marshall HALL Maryland State ID

30. I queried the Ohio Law Enforcement Gateway (OHLEG) and located photographs of MURK and BENNETT.



Javon MURK OHELG photo dated 10/26/2022



Miangel BENNETT OHLEG photo dated 9/21/21

31. On May 2, 2023, I conducted electronic surveillance at 1668 Kenmore Rd. Columbus, OH 43219 (SUBJECT PREMISES).

32. At approximately 11:13 a.m. a male subject exited the front door of the SUBJECT PREMISES. I compared the below depicted photograph to HALL's Maryland ID photo. My review found that the depicted male matches the physical characteristics of HALL. At approximately 11:19 a.m. HALL returned to the SUBJECT PREMISES through the front door.



33. At approximately 12:01 p.m., an additional male subject exited the SUBJECT PREMISES. I compared the below depicted photograph to MURK's OHLEG photo. My review found the depicted male matches the physical characteristics of MURK.



34. Additionally, I observed MURK at the front of the SUBJECT PREMISES utilizing crutches to stabilize himself while walking. I have spoken with a source familiar with MURK. I learned that MURK was recently injured at his workplace and at times will use crutches to effectively support himself while walking.

35. On May 3, 2023, I conducted electronic surveillance at the SUBJECT PREMISES.

36. At approximately 3:57 p.m. I observed the depicted male that matches the physical characteristics of HALL exit the SUBJECT PREMISES.



37. At approximately 3:58 p.m. BENNETT exits the SUBJECT PREMISES. At approximately 3:59 p.m. I observed the male matching the physical description of HALL walking, arm in arm, with BENNETT. I have received information that HALL and BENNETT are currently in a dating relationship.



38. On May 4, 2023, I conducted electronic surveillance at the SUBJECT PREMISES.

39. At approximately 9:47 a.m. HALL exited the front door of the SUBJECT PREMISES and began walking down the sidewalk. At approximately 11:19 a.m. HALL returned to the SUBJECT PREMISES.



40. At approximately 12:02 p.m. I observed HALL and BENNETT exit the SUBJECT PREMISES and begin walking down the sidewalk. At approximately 12:30 p.m. HALL and BENNETT return to the SUBJECT PREMISES.



III. CONCLUSION

41. Based on the totality of the facts and circumstances described above, Your affiant respectfully submits that probable cause exists that HALL, a convicted felon, did knowingly and intentionally possess a firearm and ammunition, said firearm and ammunition having travelled in interstate commerce, in violation of Title 18 U.S.C. § 922(g)(1) (Felon in Possession of a Firearm or Ammunition). Furthermore, Your affiant respectfully submits that probable cause exists that evidence of 18 U.S.C. § 922(g)(1), including items listed in Attachment B, will be found at the **SUBJECT PREMISES.**

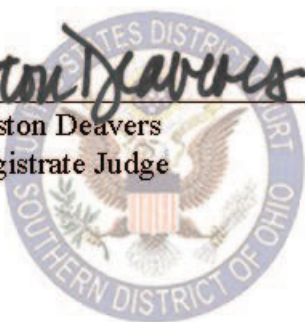
Respectfully submitted,

Cole Benner

Cole Benner, Special Agent
Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn to before me and signed in my
presence and/or by reliable electronic means.

Elizabeth A. Preston Deavers
Elizabeth A. Preston Deavers
United States Magistrate Judge

The seal of the United States District Court for the Southern District of Ohio is visible in the background. It features an eagle with spread wings, holding an olive branch and arrows, with a shield on its chest. The text "UNITED STATES DISTRICT COURT" is at the top and "SOUTHERN DISTRICT OF OHIO" is at the bottom of the circular seal.

ATTACHMENT A
Place(s) to be searched

1668 Kenmore Rd. Columbus, OH 43219 is a brick two story, multi-family structure located on Kenmore Rd., which lays east of Cleveland Ave, North of Cordell Ave., and South of E. Hudson St. The residence has brick front with a concrete walkway leading to the front entrance. To the left of the front door is a black mailbox affixed to the structure. To the right of the front door are the numbers “1668.”



Attachment B
Items to be seized

1. Firearms and ammunition to be held in violation of Title 18 U.S.C. § 922(g)(1).
2. Firearm parts, accessories, and items commonly used or associated with the possession of firearms, including conversion devices, ammunition, firearm magazines, and holsters.
3. Documents related to the purchases or transfer of firearms and ammunition.
4. Devices used to communicate with other individuals, including all stored electronic data on a cellular telephone assigned call number (614) 364-2327.
5. Items of identification and records that establish dominion and control of the premises, including, state identification, residence keys, mail, envelopes, receipts for rent, bills, and photographs.
6. Illicit controlled substances
7. Books, records, notes, ledgers, and other papers relating to the transportation, purchase, distribution, packaging, and sale of controlled substances which may be maintained in either paper form or on computers;
8. Cash, currency, currency counters, financial instruments, and records relating to controlled substances, expenditure of proceeds of drug transactions, fraud and, and evidence of financial transactions relating to obtaining, transferring, secreting, or spending of large sums of money made from engaging in drug trafficking, and fraud;